

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ELECTION SYSTEMS & SOFTWARE,  
LLC,

Plaintiff,

vs.

RBM CONSULTING, LLC, and  
GERALD G. HAYEK,

Defendants.

---

RBM CONSULTING, LLC,

Counterclaim  
Plaintiff,

vs.

ELECTION SYSTEMS & SOFTWARE,  
LLC,

Counterclaim  
Defendant.

Case No. 8:11-cv-00438

**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Defendants RBM Consulting, LLC (“RBM”) and Gerald G. Hayek (“Hayek”), hereinafter collectively referred to as Defendants, respectfully move for summary judgment pursuant to Fed. R. Civ. P. 56, on the grounds that there is no genuine dispute of material fact that Defendants are entitled to judgment as a matter of law on all claims asserted in the Amended Complaint.

WHEREFORE, Defendants respectfully request the Court to grant its Motion and enter judgment, with prejudice, in favor of Defendants on all claims asserted in the Amended Complaint, with costs taxed to Plaintiff.

Dated this 13<sup>th</sup> day of November, 2014.

RBM CONSULTING, LLC and GERALD G.  
HAYEK, Defendants and Counterclaimant,

/s Michael S. Degan

Michael S. Degan, NE #20372  
HUSCH BLACKWELL, LLP  
13330 California Street, Suite 200  
Omaha, NE 68154  
Direct: 402.964.5037  
Fax: 402.964.5050  
mike.degan@huschblackwell.com

**CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2014, I electronically filed the above using the  
CM/ECF system which sent notification of such filing to the following:

Michael C. Cox	<a href="mailto:mike.cox@koleyjessen.com">mike.cox@koleyjessen.com</a>
David A. Yudelson	<a href="mailto:david.yudelson@koleyjessen.com">david.yudelson@koleyjessen.com</a>
Daniel Fisher	<a href="mailto:dan.fisher@koleyjessen.com">dan.fisher@koleyjessen.com</a>

/s/ Michael S. Degan